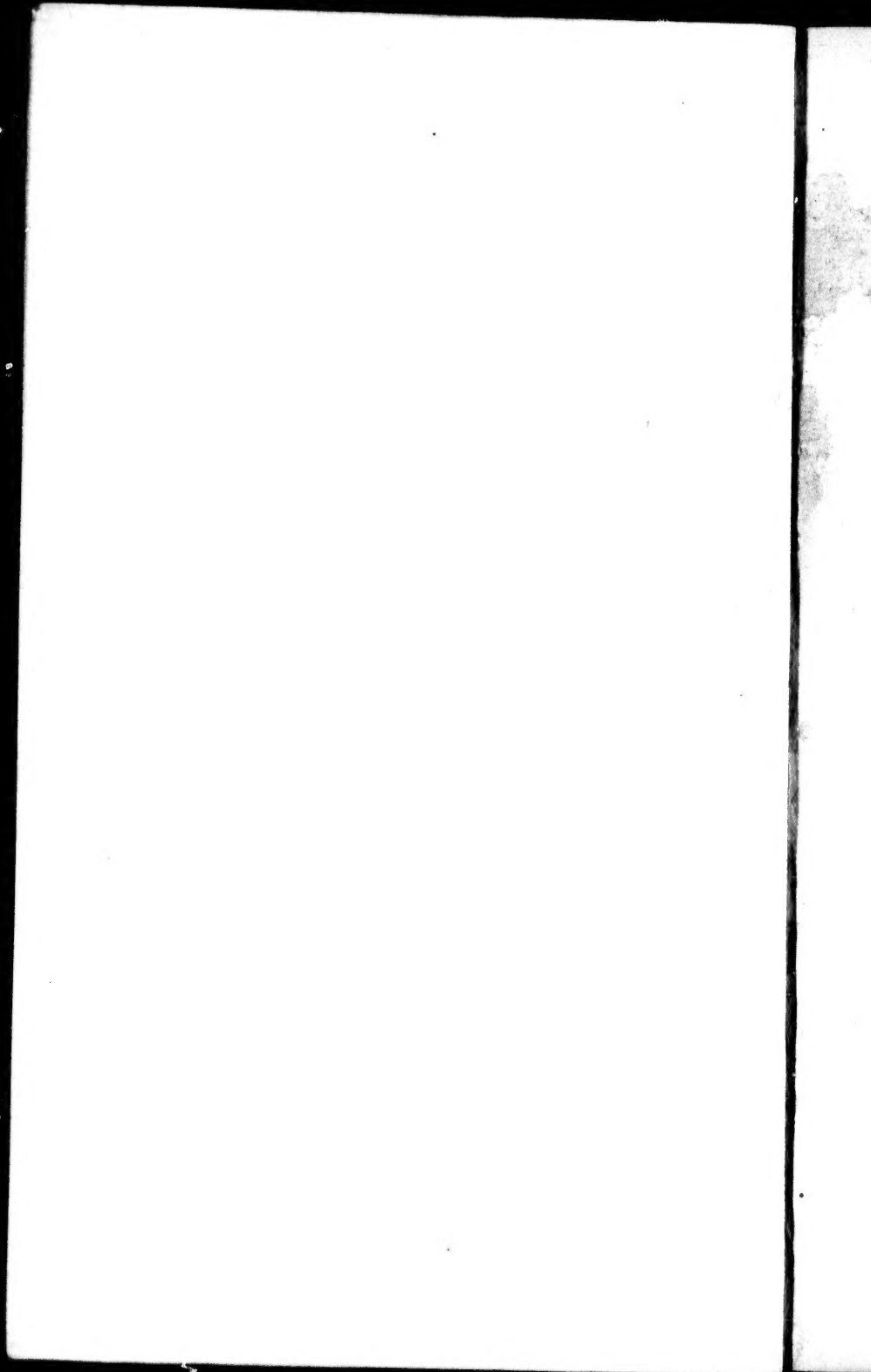




A
R E P L Y
T O
Lieutenant General Burgoyne's
L E T T E R
T O
HIS CONSTITUENTS.

Expende Hannibalem.

JUVENAL.

THE THIRD EDITION.

L O N D O N :

Printed for J. WILKIE, in St. Paul's Church-Yard.

MDCCLXXX.

TO
LIEUT. GEN. BURGOYNE.

SIR,

YOUR conduct, since your return from America, has engaged the public attention, and in some respects, the public animadversion. Men of honour, in general, were at a loss to comprehend upon what principle you could justify your absence from your captive army, whose calamities they considered it as your duty to share; and the gentlemen of your own profession, knew not how to reconcile your stay in this country, after you had received an order from your Sovereign to return to America, with those principles of military obedience, which a long course of service should have taught you fully to comprehend, and an exalted rank in the army forcibly to feel.

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Your enemies were violent in their censures ; the public did not hesitate to pronounce your condemnation ; and even your friends appeared weak in their wishes to vindicate you, and certainly were awkward in their attempts.

Your speeches in parliament had contributed but little to restore your fame. But men of liberality felt for your misfortunes, and were willing to hope, that the importance of that Assembly, the awe, which it is apt to inspire, and, perhaps, your talents not exactly fitted to parliamentary debate, were hitherto the causes why every public attempt to justify yourself had been attended with inconsiderable success. You have now affixed your name to a formal vindication of your measures ; not a few incoherent sentences provoked from you by illiberal reproach ; pronounced under the awe of a public assembly ; delivered under the agitation, which unqualified censures upon military honour must necessarily occasion in every military mind ;—but a deliberate recital of your proceedings ; a cool avowal of your motives ; and a studied justification of your conduct.

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prospects or hopes on this side of the grave center in the preservation of my friendships, and the tranquillity of my conscience.’”

—Those, who are not strangers to delicate sensibility, find in this pathetic representation no imaginary distress. Ambition does not willingly renounce her projects; affluence reluctantly gives way to penury; and rank and power are not easily resigned. The mind, accustomed to the busy pursuit of honours, is too restless for the calm enjoyments of friendship; ill suit the humble arrangements of narrow competence, where boundless profusion has rendered every gratification a habit; and however comfortable the shelter which conscience may afford, we are apt to consider it as the unwilling refuge of disappointment and despair.

Such, however, is the condition, to which you have subjected yourself. Will you pardon me, Sir, if I endeavour to prove to you that the fault is your own? I feel for your condition, and I would not wantonly insult your distress. I consider you as a brave, honourable, but imprudent man; and most an
 enemy

enemy to yourself. I will endeavour to observe that respect, which is due to you as a gentleman; and misfortune, which renders you sacred in my mind, gives you a claim to tenderness, as an unsuccessful man.

As it is your conduct, since your arrival from America, that will become the subject of this address, and is in fact the subject of your address to your constituents, it would be foreign to the present purpose to enter into a discussion of your conduct during your command there. Without giving any opinion upon your military judgment, permit me, however, to pay that tribute, which I conceive to be justly due to you. You manifested the greatest zeal for the cause of your country; the most unwearied assiduity in promoting her service; the most determined bravery in fighting her battles. While you became an example to your army, which challenged their respect, you won their affection by sharing every difficulty and danger in common with the troops. These are the unanimous sentiments of those who served under you; and they

they remain neither questioned nor contradicted.

After your surrender to the American army, in your private letter to the Secretary of State you expressed your "confidence in the justice of the King and his councils to support the General they had thought proper to appoint to as arduous an undertaking, and under as positive a direction as a Cabinet ever framed."—It is not difficult to trace up to these words the first cause of difference betwixt you and the American Secretary of State. Sensible of having lost an army; of having depressed the hopes of your country; of having elated the spirit of her enemies; of having terminated a career most brilliant in its commencement by a very fatal disaster; you anticipated in your own mind the national effect, and employed your thoughts towards your own justification. You naturally had recourse to your orders; and there you found, or you pretended to find, *as positive a direction as any Cabinet ever framed*. If you could persuade the world of this, the inference you imagined would then follow, that
you

you were to move forward *at all events* ; that you had done your duty by urging on a straight course, and consequently they alone must be criminal, who, ignorant of the face of the country, and deficient in information with regard to the disposition of its inhabitants, gave you a *positive direction*, which you could not avoid obeying, though your obedience must necessarily involve yourself and your army in inextricable ruin. Where an implicit obedience was the only part you had to observe, you could not be censured for want of prudence; nor could you be blamed for want of judgment, where you were precluded by your orders from making any exercise of it.

In this letter you therefore fairly joined issue with the cabinet upon the sense of your instructions. You did not attempt to say, that difficulties had arisen too great for human valour to overcome, too distant for human judgment to foresee; but you gave them to understand, that if you had been rash and imprudent, it was because their orders compelled you to rashness and imprudence.

What may really be the nature of your orders I will not pretend to determine. Nor indeed is it necessary at present. If we admit them to be as *positive as a Cabinet ever framed*, still you will not be justifiable, if you appear to have acted with imprudence, and contrary to the suggestions of reason and experience. The instructions of an Officer can never be so understood by him as to imply absurdity ; nor can his command be so construed as to have defeat for its purpose. This doctrine holds good in general. Let us apply it to your particular case.

You were appointed to the command of an army equal to the most arduous attempt. Your troops were healthy and well disciplined ; your officers of approved courage, and distinguished reputation. As in all probability the enemy would trust much to the strength of their posts, you were furnished with the best train of artillery that was, perhaps, ever allotted to second the operations of such an army as yours. It was hoped by those who had planned the expedition, that the most decisive advantage would attend the first efforts

efforts of so powerful a force. Expectations were formed that your success in your out-set would have very beneficial effects upon the disposition of the inhabitants; and that Canada itself would furnish you with a numerous militia acquainted with the situation and strength of the country. It was judged probable, that those, who might be inclined to resist, would disperse at your approach; while every new success would add considerably to your numbers, by inducing the friends of Government to declare themselves, when they beheld a force, in which they might place confidence.

Nor do these hopes appear to have been altogether ill-founded.—You set out upon your expedition with zeal; and victory for a time seemed to attend your progress. Ticonderoga, which the enemy had fortified at immense labour and expence, was evacuated upon your appearance before it; the artillery, amounting to 128 pieces, fell into your hands; and the rebel army was intirely dispersed. Your good fortune seemed daily to increase; and in every conflict with the

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enemy

enemy your troops had the advantage. Notwithstanding their superiority of numbers, and strength of situation, General Frazer defeated a considerable body of their forces under Colonel Francis, one of the bravest of their officers. Colonel Hill, after an attack of three hours, repulsed a corps of the enemy amounting to six times the number of his own detachment.—Your army, elated with its success, fought with the confidence of men who deemed themselves invincible ; and the enemy fled on all sides discomfited, dispirited, and dismayed.

Such, at one time, was your situation. It suddenly changed ; and (from what reasons it would be inconsistent with the present purpose to inquire) was soon entirely reversed. You despatched Lieutenant Colonel Baum with 500 men to gain possession of a magazine at Bennington, where the enemy was supposed to have made a large deposit of various necessaries. Colonel Breyman's corps was posted at Batten Kill to support Colonel Baum, if it should prove necessary. Colonel Baum, upon a near approach, having received

ceived intelligence of the numbers of the enemy, who were too strong to be attacked by his force with any prospect of success, despatched an express to you with an account of his situation. You gave orders to Colonel Breyman to march forward, and reinforce Colonel Baum. Before, however, the latter could be joined, the enemy attacked him in his post, and after a brave defence, the Colonel himself was wounded, and his whole party made prisoners. On the evening of this fatal day, Colonel Breyman arrived upon the spot, where, in the morning, Colonel Baum had been defeated. His troops, wearied by a toilsome march, and distressed with the disappointment, were immediately attacked by the enemy, and after a gallant resistance were obliged to retreat, leaving two pieces of artillery upon the field. Your army had now lost near 800 men; and it will be readily conceived, how much these defeats contributed to inspirit the enemy. In fact, they were assembling from all parts; the whole country, so far from assisting, was rising up in arms against you, and difficulties were crowding upon you, no less formidable

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than numerous. You began to feel the want of provisions ; the roads were broken up ; the face of the country was intersected with creeks, and covered with large timber trees, which the enemy had cut down to obstruct your march ; you were made sensible that every inch of ground would be disputed ; and yet, instead of providing for your retreat, and accommodating your measures to your situation, you thought fit to cross the Hudson's river, in order to *force your way to Albany*. Had you, at this time, or could you have, in reason, any hopes of succeeding in the attempt ? Melancholy experience had convinced you, that the presumed circumstances upon which the plan had been formed in England, and which were essential to its success, had no longer any foundation. Before you crossed the Hudson's river, you should have considered with yourself, whether, if your situation at that time could have been made known to the cabinet which framed your orders, a man could be found in that body, who would still command you to proceed. Either you foresaw the difficulties that were preparing for you, or you were ignorant of the true state of
your

your situation. If the latter were the case, your judgment cannot remain unimpeached. If, on the contrary, you had estimated them justly, however positive might be your orders, and whatever might be your ideas of criminality in disobeying them, your regard for your country should have taught you to despise every personal consideration, and you should have endeavoured to promote her true interest, careless of what blame might fall upon you, or to whose resentment you might be exposed. The most eminent and illustrious characters have not hesitated, in cases of public necessity, to violate the laws of the land, when evidently conducive to the public benefit, and have trusted to the justice of their countrymen to indemnify them against the consequences. The supposition, which you make, that "your army was meant to be hazarded, perhaps circumstances might require it should be devoted," is too romantic for serious consideration. Such reasoning might become the commander of a fire-ship, or the leader of a forlorn hope; but that it can apply to an army of 10,000 men, under any circumstances, is rather improbable; that

that it could, in our situation, was absolutely impossible.

I apprehend these conclusions to be evident, That no orders can, in their nature, be so positive as not to leave some discretion in the commander appointed to carry them into execution—Your situation required that you should employ that discretion—and further, If any orders could be so positive, that to act in contradiction to them, however great the inducement, would subject the commander to punishment, it was your duty to have incurred this risk.—But I will proceed to what more immediately concerns your conduct in this country.

You complain very bitterly of the Court etiquette, invented, you allege, upon your occasion, which excluded you from the royal presence. The “ foundation of it in precedent,” I confess with you I am unacquainted with ; but the foundation of it “ in reason” I perceive clearly. Where an officer labours under a suspicion of misconduct, and it is thought necessary he shall be tried by a court martial,

martial, it is fit that that officer should be excluded from the only place where he can defeat the course of justice, by interesting humanity and compassion in his behalf; where, by an address to the passions of his Sovereign, he may elude the pursuit of his country, and arm that prerogative in his favour, which, when properly exercised, becomes the most amiable interposition of the Crown. On the other hand, no bad consequences can happen to him from a temporary exclusion from the Royal presence. The sentence of a court martial will determine faithfully upon his merits, and restore him to honour, or doom him to disgrace. The voice of his profession, if heard in his behalf, will recall him to the possession of every suspended privilege; with such a decision upon his side he cannot be dishonoured by the Royal frowns; and if admitted to the Royal favour, even in the presence of Sovereignty, he may feel himself ennobled.

But we are given to understand, that the true reason of the order you received not to appear at Court, was "an apprehension upon the part of the American Secretary, that you might lay before your Sovereign what information you was possessed of, and which
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“ would have proved very different from the
 “ ideas which it is now known were at that
 “ time prevalent in the governing councils of
 “ this kingdom.” By this mode of accounting for it, you bring a charge against the American Secretary of endeavouring to withhold from his Sovereign useful and necessary information. This charge, it must be observed, rests merely upon your own authority; and when we consider that you are a party concerned; that your feelings appear to be unusually irritated, and your resentment warm; your authority cannot have that weight upon the present occasion, to which, upon all other occasions, it is justly entitled.

But the candid and the sensible will examine this charge as if brought by an indifferent person, and ascertain how far it could be the interest of the American Secretary to observe such a conduct; and if he wished to suppress your information, whether he took the means most probable to attain that end. By admitting you to the Royal presence, your information, it is true, would be immediately told in the Royal ear; and however unfavourable to the prevailing system, few are so ignorant of the arts of a court, and the persuasive

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tively through a report of all the transactions subsequent to the convention of Saratoga, and for having led you to a confidential communication of facts, observations, and opinions respecting very important objects. The futility of this charge must appear evident to every one. Whatever might have been the conduct of the American Secretary towards you, as his Majesty's confidential servant, and holding a place of responsibility, he had a right to the most unreserved communication upon your part with regard to the command upon which you had been employed. To have withheld from him "information respecting important objects," from an idea of personal ill-treatment, would have been as much an act of treachery to the nation, as if, in the moment of success, you had delivered up your sword to the enemy.

You had expressed your desire to be tried by a court-martial, and your case was referred to a Board of General Officers. They represented to his Majesty, that they did not think "an enquiry could take place into your conduct so long as you should continue engaged,

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upon

upon due notice, to re-deliver yourself up to the Congress." Yet in spite of this opinion delivered by men of honour—by professional men, upon a professional point—you still continue to be urgent for a court-martial, and complain of oppression because it is denied you. I will prove, that to have granted it to you would have been folly and injustice, and that the gentlemen of your profession, to whose representation you object, have been guided by principles of reason and equity.

Those who served under you, and who were witnesses to your conduct, are at this time prisoners in America. What method could be pursued to bring them before a court-martial, and how could your conduct have been fully examined, and impartially tried, without the presence of those whose testimony was material to the enquiry? Any decision, therefore, must have been made upon a very partial and confined body of evidence. In case the court-martial had found you guilty in the greatest, or, in any degree, how could they have proceeded to pronounce sentence, or to inflict punishment? Your life they

could not condemn you to lose, for that belonged to your enemies ; they could not dismiss you the service, because you was a prisoner of war taken in a military capacity, and as such must be exchanged upon the cartel ; they could not degrade you, because the Americans had a right to receive in exchange for you an officer of rank equal to that which you possessed at the time that you surrendered up your arms. It is therefore very clear, that a trial under these circumstances would have been a mockery of justice ; a trial without evidence ; a condemnation without punishment ; a violation of the rules of war ; and a very gross infringement of the law of nations.

Your stay in this country answering therefore no effectual purpose, the Secretary at War signified to you, that " his Majesty judging your presence material to the troops detained prisoners in New England under the convention of Saratoga, he wished you to repair to Boston as soon as your health should be restored." You had before used the freedom of differing from the judgment of the Board

Board of General Officers, and you now presumed to set up your opinion in opposition to that of your royal master. In your letter to Lord Barrington you express, that "the purposes intimated for your present attendance in America would be very different from services." That I may not violate that respect which I feel for Majesty, I will not be so arrogant as to enquire upon what grounds, it is probable that the royal judgment was formed; but I will take the liberty to examine what would most naturally occur to a subject of plain common sense upon a like occasion.

You had entered into a convention with the American General, in consequence of which the army you commanded surrendered prisoners under conditions expressed in that convention. It was not improbable that difficulties might arise in the execution of the treaty; and who was so fit to obviate those difficulties as the commander by whose authority it was made? His situation would naturally give him more weight with the enemy than any other man. While his rank would secure him respect, the consideration that he was called to that rank

rank from an opinion of his abilities, would give hope to his troops, and confidence to his country. The captive soldiery exposed to every enticement from the service which an unprincipled and insidious foe could practise upon disappointed and distressed men, would necessarily require the highest influence to fortify them in their duty. The zealous attachment of troops to their commander is known to increase, when they have been exposed to one common danger. They look up to him as their unfortunate friend; and, instead of that envy which is apt to attend the prosperous, there prevails a mutual sympathy, a kind condolence, respect founded on esteem, affection heightened by distress. Such would have been the disposition of your army towards you. Your presence would have kept them united; in your absence they have been dispersed. The enemy by a flagitious violation of the treaty detained them in captivity; they struggled long with hardship and distress; but at length their constancy was shaken; their fortitude overcome: some dispersed over the country; some entered into the enemy's service,

service, and your once powerful army is now wasted away.

The necessity for your return must, I think, by this time have very fully appeared. But even if no such necessity had existed, you received *orders* to return; and if disobedience to the orders of that Sovereign, whose commission you bear, and to whose bounty you are so much indebted, can be justified in a military light, I confess I am ignorant of the mode of justification. You attempt to prove that the order was conditional, and the condition depending upon your own judgment. It is true, your orders were to proceed to Boston as soon as it could be done without any material risk to your health. They who have associated with you in private, who have seen and heard you in public, will determine whether you was not in a condition to obey even the *tenor*, much more the *purport* of this order. But, besides the persuasion which you entertained, that "to expose your constitution to the next American winter was in all probability to doom you to the grave," you assign another reason for not returning to America. "Your
army

army (you inform Lord Barrington), attached to you by a series of misfortunes and conflicts sustained in common, would not find material consolation from your return in disgrace." Your disgrace would, at any rate, become known to your troops, and as you considered that this might cause dissatisfaction, or excite resentment, it was more incumbent upon you, by your presence, to have prevented your particular wrong from operating to the detriment of your country, and to have given their affection for you, the effect of an attachment to their duty.

When you tell us "that you intended to fight your own regiment in case of an invasion," I imagine such conduct would have been entirely inconsistent with your present situation. You applied to the Congress for permission to return to this country, that you might represent the situation of your army, and vindicate your own character. Permission was granted to you, in order that you might accomplish the purposes which your application expressed. But surely the Congress did not mean that you should have liberty to fight against
their

their *friends and allies*, for it would have been madness, or insult in them, to have granted your enlargement for such a purpose. They gave freedom to your tongue in the senate, but not "liberty to your arm in the field;" and it would have been neither honourable in you to have drawn your sword, nor in this country to have accepted of your services.

In your second letter addressed to Mr. Jenkinson, "you apprehend that if you are not liable to be tried for a breach of the orders you received, you are not subject to the orders themselves." This proposition is entirely false. You cannot undergo a trial, because your condemnation might interfere with the rights of our enemies—rights founded upon the law of nations;—but while you are within the jurisdiction of the Crown, you are bound to military obedience, so far as it does not militate against the law of nations, and to civil obedience in conformity to the law of the land.—There is a degree of absurdity, when you talk of being willing to undergo a trial for this imputed disobedience, at the same

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time that you are told you cannot be tried for any offence by a court-martial while your person remains subject to the will of the Congress.

The report of the Board of General Officers you apprehend to be erroneous, and "the subsequent appointment of other gentlemen, exactly in your circumstances, to military employments, subject to orders, and accountable for the breach of them, is one of your reasons for conceiving that the King's advisers do not differ from you in opinion, that the general officers were mistaken."

One of the gentlemen to whom you allude, if I mistake not, is the present Earl of Harrington *; but so far from being *exactly in*

* Since the first edition I have heard that the Earl of Harrington is not one of the Officers alluded to; that it is admitted he stands in a very different situation, having been exchanged; but that there are Officers who are under the same engagements to the Congress as General Burgoyne, and who are actually employed in the defence of the kingdom. I can only say, that, to all such, this reasoning must apply; and their acceptance of employment (if actually under the same circumstances with the Lieutenant General) is, in my opinion, inconsistent with their situation.

your

your circumstances, he stands in a very different situation.

Notwithstanding that the convention of Saratoga had been faithfully fulfilled upon our part, the Congress refused to ratify it, alleging, that we had violated the conditions. We denied the charge; the Congress persisted, and detained our troops in captivity. This being a dispute betwixt two nations at war with each other, and which no earthly tribunal is competent to determine, each nation, as far as it has the means in its own hands, will endeavour to do justice to itself. The Congress, under this idea, detain our troops; and under the same idea, we consider every man of that army, whom we can recover from the Americans, as freed from the condition in the treaty, not to serve in America during the war. Lord Harrington returned to this country under the stipulation of that treaty; but you, Sir, bound yourself by an express and distinct engagement to the Congress; you gave them your parole of honour, that you would return to America whenever they should require you, upon their giving you

due notice. When a conditional contract is entered into betwixt individuals, if a question should arise how far the condition be fulfilled, the municipal laws will determine the doubt. If the contract be unconditional in its nature, and one party do not fulfil it, this will not justify a breach of it in the other; he is to observe it as far as depends upon him, and to apply to the justice of his country to redress the wrong he has received. If it were possible to observe this conduct in the differences betwixt nations, this country would not be justifiable in detaining, after a demand upon the part of the Congress, those officers who were their prisoners under the convention of Saratoga; but as this is impracticable, the necessity of the case becomes our justification. But notwithstanding the injustice done to us, we must confine our retaliation within the very line of the injury received; for if, under a pretence of its being a part or a consequence of this transaction, we were to detain officers who have come under separate engagements, public faith, now hurt it is true, would then be wounded mortally; mutual confidence would cease; and to the humane manner in which
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war is now conducted, would succeed a scene of slaughter, massacre, and assassination. Upon these principles your engagement to the Congress must be considered as binding; and, therefore, your case differs from that of the gentlemen to whom you allude, who are no longer within the power of the Congress.

In the account which you are pleased to render to your constituents of your conduct in parliament since your return from America, we find some improbabilities, and some contradictions. He must indeed be ignorant of public life, and unacquainted with human frailty, who can suppose that in despite of "severity, ingratitude, and injustice," a man in a public station will continue to support with his influence, those who have treated him "severely, ungratefully, and unjustly," and that stubborn in principle, he will alike be proof against favour and enmity. The history of the present time makes it particularly difficult to advance such a proposition with any prospect of belief. Wherever we turn our consideration, political Apostates present themselves, who once harangued with courtly eloquence;

quence; who now declaim with patriotic zeal; and the moment of whose conversion can be precisely ascertained, by the particular favour which they were refused. The Courtier denied the ducal Coronet, ascends the Tribunal, and woos liberty in the Forum.—The rugged Patriot throws aside the Lion's fierceness, and softens into the supple Spaniel, whenever the hand of Power seems extended to caress him. —When you inveigh against his conduct, “ who could act at the present moment against men in public stations upon any resentments unconnected with public wrongs;” we admire the morality of the sentiment, and only lament that it should be so little observed.

That your “ opposition has been the cause, and not the consequence of your ill-treatment,” appears to be a contradiction, from the nature of your own account. The first injury you received, was, your exclusion from the royal presence, which happened immediately to you upon your arrival in England; this appears to have been the origin of the supposed ill-treatment; your opposition was *subsequent* to this measure, and therefore it is impossible

impossible that your opposition can have been the *cause* of your ill-treatment.

Such is nearly the substance of what you have advanced in justification of your conduct. But, as if you entertained a fear that argument might prove insufficient to your exculpation, you have had recourse to bitter recrimination, and acrimonious invective. Judging the situation in which you have been placed favourable to the prospect, you take a view of the political horizon, and croud into your narrow canvas the whole extent of its range. Positive and precise as the oracle of Delphos, you pronounce upon the plans and principles of ministers; upon the wrongs of injured merit; upon the dreadful situation of public affairs. *The state of this country cannot afford the smallest countenance to an opinion of integrity and capacity in administration.—I saw a systematical design of vilifying and disgracing every officer whom these ministers had ever employed by sea or land—The ruin of officers forms the whole of their military system.—Their political plan is to impose upon the nation.—They exist by bringing forth a succession of deceits.—*

Pardon

Pardon me, Sir, when I assure you, that such language from a man in your situation is improper and indecent. Whatever may have been the conduct of Ministers, you stand alike with them before the tribunal of the Public, and it is not by an accusation of others, that, you will be permitted to justify yourself. If you tell us, that, it is the privilege of anger to rail, we will agree with you, that, it is a privilege which anger too frequently assumes; but if you mean seriously to bring forward these charges, you must support them with other evidence than your own.

Whether it be true, as you assert, that, the ruin of officers forms the whole of the military system of the present Ministers, I will not at present inquire. If such be, really, their views, we have to regret that the conduct of their officers whom they have employed has been so favourable to their plan; and in this instance at least you will not charge them with "incapacity," where they have shewn so great a knowledge of character, and have so judiciously selected fit instruments for their plot. While we feel

for these injured officers, we also lament the change which time has brought about. This country *has* seen commanders whom Ministers, in vain, would have laboured to disgrace; whom it was not in the power of calumny, to defame; whom it was not within the reach of malice, to hurt. When their enemies attempted to revile them, the solemn exhibition of their spoils gave shame to the lie; and the proudest vessels of France riding in every port of the kingdom, were the vouchers to which they referred us, and the testimony they produced. Instead of depending for their lustre upon Ministers, they reflected glory upon Administration. It is only the negligent, inactive, unenterprising commander, whose reputation is in the power of the Minister—the man whose progress is impeded by every trifling obstacle—whose ardour is repressed by the appearance of opposition—who, after a weak, languid, indecisive engagement, toils through a dull Gazette to establish dubious advantage, and equivocal success. The truly great commander rests not upon such uncertain ground. He lays in a stock of reputation which a legion of pilferers may labour in vain to diminish;

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and secure in the opinion of his country, he sets at defiance both the insidious whisper, and the professed attack.

As far, however, as it is possible for you to produce any good effect by bringing such a charge against Ministers, I sincerely wish that effect may be produced. Instead of weakening the public confidence in the Ministers who have the direction of public affairs, and to whom confidence is most essentially necessary, may it stimulate the officers whom they employ to efforts worthy of themselves ! Let them proceed under the jealousy, that it may be the interest of the Minister to calumniate them ; let them be persuaded that the favour of the nation can alone secure them against the intrigues of the Court ; and let them act under the conviction, that the surest method to conquer their enemies in the cabinet is,—to conquer their enemies in the field.

This Philippic, however happily adapted to influence the weak, and gratify the violent, you was aware, would require some explanation to readers of a different complexion. The
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mob form their opinion of an orator from the strength of his lungs, and the muscle of his arm. Noisy vociferation, and vehement gesture, pass with them for the warmth of conviction, and the authority of truth. But the writer whose production is to appear in the cabinets of the sensible, the candid, and the liberal, knows that cool contemplation will sit in judgment upon its deserts. To these I shall consider the following explanation as addressed.

“ At a time when so little credit is given to principle in political matters, it is probable I may be told, that I have followed the dictates of party, and deluded by vain expectations of popularity, have sacrificed myself to their pursuits.” That you would be told this, was indeed probable, but it seems you are prepared to disprove the charge. “ My friends, you say, will treat such an imputation with the same contempt they do every other illiberal censure.” Allowing every thing to the faith of friendship, we will proceed to the argument you address to those, who not having the honour of intimate habits with you, may not feel equal contempt for every probable charge under which you may unfortunately labour. “ I have proved

my principle in political matters."——In what manner?—"I have proved it by attaching myself to men who have no object but to save their country."——This argument, if not of the most convincing, is at least of the most curious nature. You set out with stating, that owing to the opinion of a general want of principle in political matters, you might not obtain credit for it; but to obtain credit for it yourself, you very liberally give that credit to five hundred others, and expect the Public to keep pace with you in generosity. The man who but just now had much difficulty to believe that an individual could be found of principle in political matters, is required to give faith to the assertion, that principle alone actuates a numerous political party; and in order to induce our belief of an improbable circumstance with regard to you, you tell us first to believe it of five hundred others; as if incredulity decreased, in proportion as the improbable verges towards the marvellous.

I confess, that were I an elector of Preston, I should entertain strong doubts with regard to the propriety of again electing you my representative

representative in parliament, under the circumstances of your present situation. Attendance is the first duty which a representative owes to his constituents. At this perilous time the voice of every member is, or ought to be, of weight in the general councils. Yet, situated as you now are, you may not be able to give attendance in parliament, and during the whole of the next interesting sessions (interesting doubtless it must be) the town of Preston may remain, as far as concerns your person, virtually unrepresented. You will hold your seat in parliament at the will of the Congress. While you continue to do them no injury, they will, in all probability, suffer you to remain; but should your vote ever interfere with their interest, there can be no doubt, but they will immediately remove you from a situation where you have it in your power to do them harm. By the constitution of this country, no man who holds a pension can sit in parliament, because he is supposed to be under *influence* in his conduct; and, in my opinion, the representative is as likely to be *influenced* who is dependent for his liberty upon the Congress, as he who is dependent for a pension

pension upon the Crown. I am sure the spirit of the constitution considers him as equally unfit to sit in parliament ; and though there may be a greater probability of the pensioner's vote affecting the measures of the Crown, than of the prisoner's affecting the measures of the Congress, yet this is counterbalanced by the superiority of influence upon the part of the Congress, inasmuch as liberty is a greater enjoyment than property ; as imprisonment is more dreadful than a mere privation of wealth ; and as that imprisonment would come attended with circumstances of keen distress ; a removal from his friends, and a transportation from his country. Though you may have fortitude to pursue the line of duty, every man is not equally strong. The precedent is dangerous. In matters which affect the constitution so nearly, as the election of representatives in parliament, we must look beyond the present moment. At a future time, the same mark of distinction may be conferred upon one, who, under your circumstances, will not observe your conduct ; who being equally unfortunate, will not be equally upright.

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I have now gone through the substance of your letter ; and after what I have written, it would be superfluous to add, how little I think it calculated to remove any prejudices which your conduct has occasioned.—You will observe, Sir, I have confined myself merely to an examination of the complaints which you make ; and whether those complaints appear to be founded. I shall not even attempt to criminate you in the first degree. How far you may be impliedly guilty, I leave to implication to decide. If it be said, that you have acted as every brave and gallant officer would have done in a like situation, I must request your attention for a few minutes longer.

MARCUS ATTILIUS REGULUS was a general in the Roman republic. Rome was then at war with Carthage. The Romans, under the command of Regulus, had gained many victories ; and the Carthaginians, dejected by repeated defeats, hired mercenaries from Greece to assist their cause. With these there came Xantippus, who did not appear to have gained any reputation in the armies of
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of his own country. His discourses soon attracted the notice of the Carthaginians. He promised them discipline and victory; and by a decree of the Senate, he was appointed to the supreme command. He watched for a favourable moment, and at length considering it arrived, he determined to give battle to the Roman army. With this view, he took the advantage of the ground, and made the necessary dispositions. Regulus, inclined to second the wish of Xantippus, drew up the Romans in array of battle. In this arrangement he is said to have committed a material error. Xantippus began the attack, and in a short time, the main body, where Regulus commanded, was broken through, and the Roman army put to flight. Regulus remained upon the field with five hundred men, where he was soon surrounded, and at length taken prisoner. It was the first time a Roman general had ever been taken alive in battle by the enemy. The victors marched to Carthage; and Regulus followed. Here he long endured the hardships of a rigorous captivity. They gave him but just food enough

to prolong his miseries ; and to render life insupportable, they exposed him to the public scorn.—Another engagement soon after took place, in which the Carthaginians lost a considerable number of men. Among these were many illustrious citizens, whom the Romans made prisoners. The ill-fortune of the Carthaginians daily increased. A second defeat happened ; another, and another still succeeded ; their best officers were in the hands of the Romans ; and they sent Regulus to Rome to negotiate an exchange of prisoners, or to treat of peace. They trusted that the miseries which he had endured in the dungeons of Carthage, would induce him to give his warmest support to a measure that was to restore him to Rome and liberty. Before he departed they gave him to understand, that if the proposals which they ordered him to make should not be accepted, a death of torture awaited him upon his return.—When Regulus arrived in the suburbs of Rome, it was some time before he would enter the gates of the city. *It is contrary to law, said he, for a foreigner, as I*
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am, to enter within the walls of the city. My misfortunes have made me a slave to the Carthaginians. The Senate at length assembled, and Regulus made the proposals with which he was charged. The modesty with which he spoke expressed his sense of the low state to which he was fallen. When he had finished, it was with difficulty he could be prevailed upon to remain in the Senate ; and only in obedience to the repeated orders of the Conscript Fathers, that when it came to his turn, as a member of that august assembly, he delivered his own opinion. He spoke against the proposals which the Carthaginians had deputed him to make. The Senate determined to reject them ; and now the moment of trial was come for Regulus, and for his country. The *Pontifex Maximus* declared, that he might remain in Rome without incurring the guilt of perjury. His wife and children with tears and lamentations conjured him to stay ; and the people joined in the prayer. It was easier for a whole people to be treacherous, than for Regulus to be false. He knew the punishment that awaited

awaited him at Carthage : but stern and inflexible, he preferred his duty to his safety ; and his countenance, which upon his arrival expressed a thousand mixed emotions, was serene and settled at his departure. Upon his return to Carthage, he seemed to enter it in triumph. It was in vain that inventive cruelty prepared the torture — He smiled at her impotence ; and the unhappy Chief, who had courted virtue throughout life, in death, was not inconstant to her.

LIEUTENANT GENERAL BURGOYNE was entrusted with the command of an army destined to perform a material service to the state. His conduct was marked by zeal for the expedition upon which he was employed ; and wherever he met the enemy he combated with valour. Victory for a time seemed to contend under his standard ; but at length she deserted him, and he was exposed to the malice of Fortune. The enemy collected a force greatly exceeding his in numbers ; and he was compelled to yield to their superiority. While a prisoner in the possession of the

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enemy, he obtained permission to return to his own country ; but he continued engaged to re-deliver himself up to the enemy upon due notice being given to him. Upon his arrival, he found himself precluded from the presence of his Sovereign, upon pretence that an Inquiry was to take place into his conduct, and that it was unfit he should appear at Court till the event of that Inquiry was known. He demanded a Court Martial ; but this was denied him, upon a representation from the heads of his profession, that no inquiry whatever, could take place while he continued a prisoner. He complained loudly of both these measures, and joined himself to a party which acted upon a plan of general opposition to the Ministers of their Sovereign. Lieutenant General Burgoyne was a member of the Senate. There he attempted to take the lead upon many important occasions. It was observable, that his chief complaints were of the personal ill-treatment which he had received ; and that he seemed to feel his own wrong more sensibly than the loss of his country. He received an official order signify-

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ing to him, that it was the pleasure of his Sovereign that he should return to America and join his captive army, who were suffering under cruelty and disgrace. He thought fit to represent what he supposed the severity of this order. Again he was commanded; again he remonstrated; and at length finding the matter firmly insisted upon, he resigned all his civil and military employments, reserving only his rank in the service. He gave an account of his conduct to the Public in a letter which he addressed to his Constituents, and inveighed with bitter acrimony against the Ministers of his royal master. This letter was received with a difference of opinion. Some thought it a pathetic representation of unnecessary severity; some considered it as a justification of his conduct; and there were not wanting some who pronounced it A LIBEL UPON THE KING'S GOVERNMENT.

I shall now, Sir, take my leave of you, with a very sincere wish, that your retreat from the public service may appease the malice of your enemies, and that your retirement
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may be undisturbed by reproach. If your conduct in this country has been improper, let it be considered that it has carried its punishment along with it.—Your conduct at Saratoga forms, indeed, too melancholy an epoch in our history ever to be forgotten. But when posterity shall learn of your defeat, may they be told with how much bravery you fought—may your merit go hand in hand with your misfortune—and may the amiable part of your character live in the memory of your country, long after your harmless foibles, and unintentional errors shall be sunk in shade, and buried in oblivion !

I have the honour to be, SIR,

Your most humble servant,

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